

Gregory M. Fox, State Bar No. 070876
BERTRAND, FOX & ELLIOT
The Waterfront Building
2749 Hyde Street
San Francisco, California 94109
Telephone: (415) 353-0999
Facsimile: (415) 353-0990

Harvey E. Levine, Esq., State Bar No. 61880
City Attorney City of Fremont
3300 Capitol Avenue
PO Box 5006
Fremont, CA 94537-5006
Telephone: (510) 284-4030
Facsimile: (610) 284-4031

Attorneys for Defendants
FREMONT POLICE DEPARTMENT, CITY OF FREMONT,
JEFFERY LAWRENCE, TIMOTHY FERRARA and JOHN KENNEDY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIRAMAR PEREZ, individually and as
Guardian Ad Litem; ARACELI MOSSO;
JOAN MOSSO; JOCELYN MOSSO, minor
children,

Plaintiffs

v.

FREMONT POLICE DEPARTMENT; CITY
OF FREMONT; JEFFERY LAWRENCE;
TIMOTHY FERRARA; JOHN KENNEDY;
and DOES ONE through TWENTY, inclusive,

Defendants

Case No. CV11-04198 EMC

**STIPULATION AND [PROPOSED] ORDER
CONTINUING HEARING DATE FOR
DEFENDANTS RULE 12(B) (6) MOTION TO
DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT AND PLAINTIFFS' MOTION TO
REMAND**

The Court, through its notice of September 26, 2011 [DKT #14] continued Defendants' Motion to Dismiss from October 7, 2011 to the date plaintiffs had set for their Motion to Remand, October 28, 2011. Gregory Fox, counsel for the defense, is scheduled for a plaintiff's deposition on this same date, October 28, 2011, in a State Superior Court action (*Anderson v City of Brentwood et al, Contra Costa County Superior Court No. MSC10-03672*) . The plaintiff in *Anderson* is incarcerated in the California Correctional Center located in Susanville, California. That matter involves several parties and it has been

So Stipulated:

Law Offices of Edwin Bradley

BERTRAND, FOX & ELLIOT

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this E-filed document and/or have been authorized by Mr. Bradley to execute his signature by a "conformed" signature (/s/) within this E-Filed Document.

/s/
Gregory M. Fox

ORDER

Good cause appearing, the stipulation is so ordered. The hearing dates for the Motion to Dismiss and Motion to Remand are continued to 1:30 pm on Friday, November 4, 2011.

Dated: 9/28, 2011

